

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:10-cr-00260-MOC-DSC

UNITED STATES OF AMERICA,

Vs.

GREGORY D. ANDERSON,

Defendant.

SEALED
ORDER


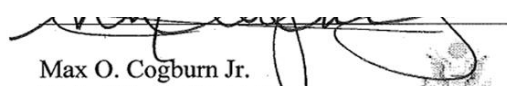
THIS MATTER is before the court on defendant's Motion for Disclosure of Sealed Portion of Sentencing Hearing (#260) and the government's Ex Parte Motion for In Camera Review of Sealed Transcript and Exhibit (#268). Having considered defendant's motion and conducted the requested review in camera, the court agrees with the government's position that only specific parts of the transcript can be disclosed to defendant for the limited purpose of appellate review. Further, the court finds, without discussing the contents, that there is nothing in the redacted portions of the transcript that could plausibly further an appeal and that such sealing is required as the redacted portions include references to specific confidential "Suspicious Activity Reports" ("SARs") filed under the Bank Secrecy Act, Title 31, United States Code Section, Section 5311, and implementing regulations.

ORDER

IT IS, THEREFORE, ORDERED that the government's Ex Parte Motion for In Camera Review of Sealed Transcript and Exhibit (#268) is **ALLOWED**, and defendant's Motion for Disclosure of Sealed Portion of Sentencing Hearing (#260) is **GRANTED** in part and **DENIED** in part as follows:

- (1) the government shall provide to defendant's counsel a redacted copy of the sealed transcript and the redacted exhibit (as reviewed by the court ex parte);
- (2) that such production is subject to the following Protective Order, providing that to the redacted transcript and sentencing exhibit so produced:
 - (a) be used only for the purposes of Defendant Anderson's appeal in this case;
 - (b) be disclosed only to Defendant Anderson and his counsel;
 - (c) that while defendant may review such material with his counsel in preparing his appeal, that only Defendant Anderson's counsel may retain a copy of the redacted transcript and exhibit during the pendency of the direct appeal; and
 - (d) that all copies of the redacted transcript and sentencing exhibit be returned to the United States Attorney's Office at the conclusion of Defendant's direct appeal.
- (3) It is further Ordered in accordance with the Local Criminal Rules of this court that the government's Response and this Order be **SEALED** as the court finds that such contain information not subject to public disclosure under the Bank Secrecy Act, that the public interest in such materials is minimal, and that no other method less restrictive than sealing would met the requirements of the Act.

Signed: December 22, 2014


SEALED DOCUMENT with access to All Parties/Defendants.

Max O. Cogburn Jr.
United States District Judge